

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ALFRED G. OSTERWEIL,

Plaintiff,

v.

09-cv-825  
MAD/DRH

GEORGE R. BARTLETT, III,

Defendant.

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**AMENDED DECLARATION OF DANIEL L. SCHMUTTER**

DANIEL L. SCHMUTTER, an attorney duly admitted to practice law before this court, affirms under penalty of perjury that:

1. I am a partner in the firm of Greenbaum, Rowe, Smith & Davis LLP (“Greenbaum”), attorneys for the plaintiff Alfred Osterweil and, as such, I am fully familiar with the facts and circumstances pertaining to this matter. This amended declaration is in further support of Plaintiffs’ motion pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d)(2) to award attorneys’ fees as the prevailing party and includes both the factual information originally submitted in connection with Plaintiff’s application for fees as well as supplemental factual information offered to respond to Defendant’s claims that Plaintiff’s application lacks certain factual support.

2. This motion is submitted on the basis that this Court rendered judgment in favor of Plaintiff by determining that Plaintiff, as a part-time New York resident, is entitled to apply for a handgun license pursuant to New York law notwithstanding that he is not domiciled in New York.

3. Prior to joining the Greenbaum firm in 2012, I was a partner with the firm of Farer Fersko, a Professional Association (“Farer”). I handled this matter while at both

the Greenbaum and Farer firms.

4. I am a graduate of the University of Virginia School of Law (Order of the Coif) and the Wharton School of the University of Pennsylvania (Cum Laude).

5. My litigation experience ranges from handling complex commercial disputes to civil rights matters before state and federal trial and appellate courts and administrative tribunals, as well as before private and arbitrators and mediators.

#### **FACTUAL BACKGROUND**

6. The record in this matter reveals the following facts: Mr. Osterweil is a retired attorney who previously served in the U.S. Army. For a number of years, Mr. Osterweil lived with his family full-time on a 21-acre plot of land in Schoharie County in Summit, New York. While in Schoharie, Mr. Osterweil served as a commissioner on the Summit Fire District Board of Commissioners and as an unpaid member of the Board of Directors of the Western Catskills Revitalization Corporation. After he retired, he decided to split his time between New York and Louisiana. He now spends the majority of his time in Louisiana and is domiciled there. Mr. Osterweil keeps a .22-caliber revolver in his Louisiana home for purposes of self-defense.

7. On May 21, 2008, Mr. Osterweil applied to Schoharie County officials for a New York State pistol license pursuant to N.Y. Penal Law § 400.00(2)(a), without which he may not lawfully possess a handgun in his home under New York law. To obtain a license, an applicant must meet several requirements. The licensing process begins with the submission of an application to the local licensing officer. § 400.00(3). The applicant must be over 21 years of age, of good moral character, not have a history of crime or mental illness, and there must not exist any other “good cause” for denying the license. § 400.00(1).

8. The application triggers a local investigation probing the applicant's mental health and criminal history, moral character, and, in some circumstances, whether there is a "need" for the requested license. § 400.00(2). The investigating authority also takes the applicant's fingerprints and uses that information to check for criminal history through the New York State Division of Criminal Justice Services ("DCJS"), the National Crime Information Center ("NCIC"), and the Federal Bureau of Investigation. The New York licensing law also states that an application for "a license to carry or possess a pistol or revolver" "shall be made . . . to the licensing officer in the city or county . . . where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper." § 400.00(3)(a).

9. Mr. Osterweil's home-handgun license application set this statutory machinery in motion. The Schoharie County Sheriff initiated the required investigation. He verified the information set forth in Mr. Osterweil's application, contacted his references, conducted a background check using state information resources and the NCIC, and obtained and submitted Mr. Osterweil's fingerprints to the DCJS and the FBI.

10. On June 24, 2008, the Sheriff sent a letter to Mr. Osterweil informing him that he needed to come to the Sheriff's office "to correct and/or complete some information" on his application. In a letter sent on June 25, 2008, Mr. Osterweil informed the Sheriff that since the time he had submitted his original permit application he had purchased a home in Louisiana that he intended to use as his primary residence, and that he would now use his Schoharie residence for only part of the year. The letter inquired whether under such circumstances Mr. Osterweil was still eligible for a permit.

11. On February 18, 2009, the Sheriff informed Mr. Osterweil that he was

forwarding his application to Bartlett. As relevant here, in a February 20, 2009 letter, Bartlett informed Mr. Osterweil that his non-resident status would likely prevent the issuance of a home handgun license.

12. After several exchanges between Mr. Osterweil and Bartlett, Bartlett issued a decision on May 29, 2009, denying Mr. Osterweil's request for a pistol permit. Bartlett concluded that pistol permits may not be issued to "non-residents," and that Mr. Osterweil was a "non-resident" under New York law. That conclusion was primarily based on Bartlett's application of In re Mahoney v. Lewis, 605 N.Y.S.2d 168 (App. Div. 3d Dep't 1993), which held that § 400.00(3) requires that an individual be a New York domiciliary to be eligible for a handgun license. Bartlett further determined that New York's domicile requirement was consistent with Heller.

13. Bartlett never concluded that Mr. Osterweil lacked the necessary character or qualifications to obtain a home handgun license. The license denial was predicated entirely on the conclusion that Mr. Osterweil is domiciled in Louisiana and therefore is not a New York resident, notwithstanding that Mr. Osterweil owns a home in New York and lives there part of the year with his wife, that he has family in Summit, and that Mr. Osterweil and his wife have participated and continue to participate in social, political, and community affairs in Schoharie County, including remaining as dues-paying members of the Summit Snow Riders, a local social group, and the Summit Conservation Club.

14. Mr. Osterweil, proceeding pro se, filed the within suit pursuant to 42 U.S.C. § 1983 against Bartlett, David A. Patterson, then Governor of the State of New York, and Andrew M. Cuomo, then Attorney General of the State of New York. Bartlett and his co-defendants were represented by the New York State Department of Law and the Office of the Attorney General of the State of New York. As relevant

here, Mr. Osterweil's complaint alleged that the defendants denied him his fundamental Second Amendment right to keep and bear arms by denying his license request based on his part-time resident status and that this denial ran afoul of the Equal Protection Clause.

15. After the defendants other than Bartlett were dismissed from the suit, both Mr. Osterweil and Bartlett moved for summary judgment. The New York Attorney General's Office argued that Heller and McDonald did not call into question state law "limiting its residency-based permits to domiciliaries" and that limiting home handgun possession to domiciliaries was consistent with "long-standing New York precedent. The New York Attorney General's Office told this Court that Mr. Osterweil's contention that the Second Amendment protected his right to keep a handgun in his New York home was predicated on a misreading of Heller and McDonald. This Court ruled against Mr. Osterweil, holding that limiting home handgun licenses to domiciliaries did not violate the Second Amendment or the Equal Protection Clause.

16. Mr. Osterweil retained counsel and appealed this Court's ruling. Just eight days before New York's brief was due to the Second Circuit (and a full 83 days after Mr. Osterweil's attorneys filed their opening brief) New York filed a motion asking the Second Circuit to certify the following question to this Court: "Does the applicant residency requirement in New York's pistol permit statute, N.Y. Penal Law § 400.00(3), require not merely residency but domicile in the State of New York?" New York opined that "[f]ollowing the Supreme Court's recent and dramatic shift in Second Amendment jurisprudence, there is reason to question whether the Court of Appeals would" conclude that New York law requires domicile as a precondition for a home handgun license. After that motion was referred to the merits panel, New

York reiterated its view that a domicile requirement was constitutionally suspect in its brief on the merits and again requested certification. At the same time, however, New York also argued—in seeming conflict with the premise of its request for certification—that a domicile requirement would be constitutional under intermediate scrutiny.

17. Despite the ongoing denial of Mr. Osterweil's constitutional rights, the Second Circuit certified the following question to the New York Court of Appeals:

Is an applicant who owns a part-time residence in New York but makes his permanent domicile elsewhere eligible for a New York handgun license in the city or county where his part-time residence is located?

18. The New York Court of Appeals accepted the certified question and answered the question in the affirmative, ruling that Mr. Osterweil could not be precluded from applying for a handgun license merely because he was not a domiciliary but only a part-time resident of New York.

19. Upon receiving the ruling of the New York Court of Appeals, the Second Circuit remanded the matter back to this Court.

20. On February 7, 2014, this Court directed that judgment be entered in Plaintiff's favor and ordered the case closed.

#### **APPLICATION FOR ATTORNEY'S FEES**

21. The attached itemization of time spent by the Farer and Greenbaum firms on representing Plaintiff in this matter is based on records made contemporaneously at the time the work was completed or the expense was paid. See Invoices attached hereto as **Exhibit "A."** All references to "client" refer to Alfred Osterweil. All references to "client and co-counsel" refer to Alfred Osterweil as "client" and Paul Clement, Zachary Hudson, and Christopher Conte as "co-counsel."

22. The attached itemization reflects the reasonable hourly rates and time

necessarily spent to challenge New York's unlawful denial of Mr. Osterweil's handgun license application on the ground that he is not domiciled in New York. I presently bill time at \$395 per hour. However, as reflected in Exhibit A, at all times in this matter, my time has been billed at a discounted rate of \$350 per hour. My firm charges between \$210 per hour and \$240 per hour for associate attorney time and \$185 per hour for paralegal time. My firm also charges \$500 per hour for the time of my partner Raymond Brown. Mr. Brown assisted with preparation for oral argument before the New York Court of Appeals. Mr. Brown has been practicing law for approximately 40 years and has appeared in courts in 12 states and conducted investigations throughout the United States as well as in Kenya, El Salvador, the Cayman Islands, Switzerland, the Bahamas, Colombia, and Sierra Leone. Mr. Brown also has significant international experience qualifying as Counsel before the International Criminal Court in The Hague, and having served as Co-Lead Defense Counsel at the Special Court for Sierra Leone. Mr. Brown has significant experience in appellate litigation and was instrumental in assisting me in preparing for argument before the New York Court of Appeals, the highest court in New York.

23. I have practiced law for over 22 years in the courts of the State of New York and New Jersey as well as in the federal courts of the Second Circuit and Third Circuit and the Supreme Court of the United States. During that time, I have appeared in the following courts:

- Supreme Court of New York: New York County, Queens County, Richmond County;
- Superior Court of New Jersey: Bergen County, Passaic County, Hudson County, Essex County, Morris County, Monmouth County, Middlesex County, Ocean County, Mercer County, Somerset County, Hunterdon County, Atlantic County, Burlington County, Cumberland County, Camden County, Gloucester County, Union County;

- U.S. Court of Appeals for the Third Circuit (briefing only)
- U.S. District Court, S.D.N.Y., E.D.N.Y., W.D.N.Y., N.D.N.Y., and D.N.J.
- U.S. Bankruptcy Court, S.D.N.Y., E.D.N.Y., and D.N.J;
- Superior Court of New Jersey, Appellate Division.
- Supreme Court of New Jersey (briefing only)
- Supreme Court of the United States (briefing only)

24. I was the attorney of record in the following reported cases:

- o Des Champs Laboratories, Inc. v. Martin, 427 N.J. Super. 84 (App. Div. 2012).
- o Scholastic Bus Co., Inc. v. Fairlawn, 326 N.J. Super 49 (App. Div 1999)

25. Marjan Disler was admitted to practice law in 2008.

26. Irene Hsieh was admitted to practice law in 2012.

27. By accepting this case, I was precluded from taking on other representation.

28. This case imposed time limitations on my schedule.

29. I am familiar with the type of litigation involved in this case and the complexity of the issues raised. Additionally, as an attorney admitted in New York, I served as counsel of record/local counsel. As counsel of record, it was my obligation under Fed. R. Civ. P. 11 and related obligations under appellate procedure to examine and be satisfied with every document filed.

30. To accept a case of this type, I know from my experience that counsel is naturally precluded from accepting other employment. There are very few attorneys who practice Second Amendment constitutional litigation, and who practice constitutional litigation on behalf of plaintiffs against government entities. Congress's intent when it authorized attorney's fees and costs under 42 U.S.C. § 1988 was to permit plaintiffs to



bring constitutional claims against governmental entities and further intended that costs of litigation on behalf of plaintiffs seeking to vindicate their constitutional rights should not be a barrier in bringing such action.

31. I submit that the fee and expense request of \$54,952.07 for services rendered to March 10, 2014 by the Farer and Greenbaum firms is reasonable in light of all the facts and circumstances surrounding Plaintiff's claim and the lawsuit which resulted in a judgment for Plaintiff on February 7, 2014 by this Court.

**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: May 9, 2014

s/ Daniel L. Schmutter  
DANIEL L. SCHMUTTER

## **EXHIBIT A**

## FARER FERSKO

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

Federal tax ID number - 22 - 1914246

**INVOICE**

Please indicate invoice number on all remittances

Mr. Alfred G. Osterweil  
 c/o: Christopher Conte, Legislative  
 Counsel  
 National Rifle Association - Institute of  
 Legislative Action  
 11250 Waples Mill Road  
 Fairfax, VA 22030

September 9, 2011  
 Invoice No. 59686

Re: George R. Bartlett, III et als.  
 Our File No. 6103 00001 DLS

FOR PROFESSIONAL SERVICES RENDERED  
 through: August 31, 2011

Date	Atty	Hours	Services
06/17/11	DLS	0.50	Conferred with Paul Clement re: [REDACTED]
06/17/11	DLS	0.50	Examined issues re: [REDACTED] [REDACTED]
06/17/11	DLS	0.50	Examined case law and claims.
06/22/11	DLS	0.80	Examined issues re: [REDACTED] and [REDACTED]
06/23/11	DLS	0.70	Prepared initial filings. Corresponded with Paul Clement re: [REDACTED] Examined documents from Al Osterweil.
06/24/11	DLS	0.20	Conferred with Paul Clement re: [REDACTED] [REDACTED]
06/24/11	DLS	0.30	Corresponded with Paul Clement re: [REDACTED]
06/28/11	DLS	0.50	Prepared initial filings.
06/29/11	DLS	2.00	Prepared pre-argument submissions.
06/29/11	DLS	0.50	Corresponded with Al Osterweil re: [REDACTED]
06/30/11	DLS	1.00	Prepared pre-argument submissions.
06/30/11	DLS	0.50	Corresponded with Chris Conte re: [REDACTED]

## F A R E R F E R S K O

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

Federal tax ID number - 22 - 1914246

**INVOICE**

Please indicate invoice number on all remittances

Osterweil, Alfred G.

September 09, 2011

Page 2

Invoice No. 59686

06/30/11	DLS	0.50	Corresponded with Al Osterweil re: [REDACTED]
06/30/11	DLS	0.30	Conferred with Clerk re: status of case and briefing schedule.
06/30/11	DLS	0.50	Examined Court rules and appellate procedure.
07/01/11	DLS	0.30	Prepared Second Circuit submissions.
07/08/11	DLS	0.30	Prepared submission for Second Circuit.
07/12/11	DLS	0.30	Prepared initial second circuit submissions.
07/13/11	DLS	0.50	Conferred with Court re: submissions.
07/14/11	DLS	0.30	Conferred with Court re: submissions.
07/14/11	DLS	0.40	Prepared pre-argument statement.
08/31/11	DLS	0.30	Examined issues re: [REDACTED]

**Fee Summary:**

Daniel L. Schmutter	Partner	11.70	\$350	\$4,095.00
Total fees				<u>\$4,095.00</u>

Invoice Total	<u>\$4,095.00</u>
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Balance Now Due	<u>\$4,095.00</u>
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## FARER FERSKO

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

Federal tax ID number - 22 - 1914246

## INVOICE

Please indicate invoice number on all remittances

Mr. Alfred G. Osterweil  
 c/o: Christopher Conte, Legislative  
 Counsel  
 National Rifle Association - Institute of  
 Legislative Action  
 11250 Waples Mill Road  
 Fairfax, VA 22030

October 10, 2011  
 Invoice No. 59970

Re: George R. Bartlett, III et als.  
 Our File No. 6103 00001 DLS

**FOR PROFESSIONAL SERVICES RENDERED**  
**through: September 30, 2011**

<u>Date</u>	<u>Atty</u>	<u>Hours</u>	<u>Services</u>
09/01/11	DLS	0.50	Prepared Notice of Appearance.
09/02/11	DLS	1.00	Prepared Notice of Appearance. Conferred with Court re: filing deadline.
09/06/11	DLS	0.80	Conferred with Court re: filing of document.
09/06/11	DLS	0.30	Filed Notice of Appearance.
09/07/11	DLS	0.20	Conferred with second circuit clerk re: filings.
09/23/11	DLS	0.30	Examined issues re: form C.

**Fee Summary:**

Daniel L. Schmutter	Partner	3.10	\$350	\$1,085.00
Total fees				\$1,085.00

Invoice Total	\$1,085.00
Balance Now Due	\$1,085.00

## FARER FERSKO

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

Federal tax ID number - 22 - 1944296

**INVOICE**

Please indicate invoice number on all remittances

Mr. Alfred G. Osterweil  
 c/o: Christopher Conte, Legislative  
 Counsel  
 National Rifle Association - Institute of  
 Legislative Action  
 11250 Waples Mill Road  
 Fairfax, VA 22030

November 9, 2011  
 Invoice No. 60357.

Re: George R. Bartlett, III et als.  
 Our File No. 6103. 00001 DLS

FOR PROFESSIONAL SERVICES RENDERED  
 through: October 31, 2011

Date	Atty	Hours	Services
10/04/11	DLS	0.50	Prepared Schedule C and D for filing.
10/04/11	DLS	0.50	Corresponded with Christopher Conte and Paul Clement re: [REDACTED] Examined response.
10/04/11	TAS	0.40	Conferred with Clerk of the 2nd Circuit Court of Appeals re: current docket sheet and retrieved current docket sheet from Pacer.
10/05/11	DLS	1.00	Prepared and filed form C.
10/06/11	DLS	0.30	Filed Form D.
10/06/11	DLS	0.20	Examined notice from Court re: CAMP conference.
10/06/11	DLS	0.50	Examined issues re: CAMP conference.
10/06/11	DLS	0.50	Corresponded with Christopher Conte and Paul Clement re: [REDACTED] [REDACTED] Examined response.
10/07/11	DLS	0.50	Prepared scheduling notification letter.
10/07/11	DLS	0.50	Corresponded with Paul Clement and Christopher Conte re: [REDACTED]
10/12/11	DLS	0.50	Conferred with Court re: briefing.

## F A R E R F E R S K O

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

Federal tax ID number 22-1914246

**INVOICE**

Please indicate invoice number on all remittances

Osterweil, Alfred G.  
Page 2

November 09, 2011

Invoice No. 60357

10/12/11	DLS	0.50	Examined correspondence from State re: CAMP conference. Corresponded with clients re: [REDACTED] [REDACTED] Corresponded with Court re: CAMP conference.
10/14/11	DLS	0.20	Examined scheduling notification so ordered by court.
10/14/11	DLS	0.30	Corresponded with clients re: [REDACTED] [REDACTED]
10/17/11	DLS	0.30	Examined correspondence from Court re: CAMP conference. Prepared response.
10/18/11	DLS	0.20	Examined correspondence from Court re: CAMP conference.
10/18/11	DLS	0.30	Examined issues re: [REDACTED]
10/18/11	DLS	0.30	Corresponded with clients re: [REDACTED] [REDACTED] [REDACTED]
10/31/11	DLS	0.40	Participated in CAMP conference with Court.
10/31/11	DLS	0.30	Corresponded with client re: result of CAMP conference.
10/31/11	DLS	0.20	Conferred with Frank Brady re: scheduling matters.

## Fee Summary:

Daniel L. Schmutter	Partner	8.00	\$350	\$2,800.00
Tracy A. Fego	Legal Asst.	0.40	\$185	\$74.00
Total fees				<u>\$2,874.00</u>

Invoice Total	<u>\$2,874.00</u>
Balance Now Due	<u>\$2,874.00</u>

**Greenbaum, Rowe, Smith & Davis LLP**

COUNSELORS AT LAW

METRO CORPORATE CAMPUS ONE  
P. O. BOX 5600  
WOODBIDGE, NEW JERSEY 07095-0988  
(732) 549-5600

Federal Tax ID: 22-1544785

Please remit payment to:  
Woodbridge Office

Delivery Address:  
99 Wood Avenue South, Iselin, NJ 08830-2712

ROSELAND OFFICE:

75 LIVINGSTON AVENUE, SUITE 301  
ROSELAND, NEW JERSEY 07068-3701

Christopher Conte, Legal Counsel  
National Rifle Association, Institute of Legislative Action  
11250 Waples Mill Road  
Fairfax, VA 22030

09-Feb-2012

Bill Number 3916833

As of 31-Jan-12  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlet

Date	Services	Atty	Hours	Value
13-Jan-2012	Prepare Appellate brief; Examine Second Circuit rules re: brief preparation and filing;	DLS	2.00	700.00
16-Jan-2012	Prepare brief; Examine rules of Second Circuit re: brief length and filing;	DLS	1.50	525.00
17-Jan-2012	Draft appellate brief;	DLS	1.00	350.00
18-Jan-2012	Prepare Appellate Brief;	DLS	3.00	1050.00
19-Jan-2012	Confer with Mr. Hudson re: [REDACTED]; Prepare brief and appendix;	DLS	2.20	770.00
20-Jan-2012	Prepared joint appendix;	DLS	1.50	525.00
23-Jan-2012	Prepare appendix; Examine record re: appendix; Confer with Mr. Brady re: appendix and issues in case; Correspond with Mr. Hudson re: [REDACTED]; [REDACTED] Examine draft brief from Mr. Clement; Correspond with Mr. Clement re: [REDACTED]	DLS	6.00	2100.00
24-Jan-2012	Prepare joint appendix; Examine issues re: [REDACTED]; [REDACTED]; Examine correspondence from Mr. Osterweil re: [REDACTED]	DLS	3.00	1050.00
24-Jan-2012	Confer with Deborah Holmes, case manager re: Joint Appendix and docket list (multiple times);	TAF	0.40	74.00
25-Jan-2012	Examine issues re: appendix and filing brief and appendix; Confer with Mr. Brady re: Joint Appendix; Confer and correspond with Mr. Hudson re: [REDACTED]	DLS	2.00	700.00



**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 31-Jan-12

23251/1 Osterweil v. Bartlet

Bill Number 3916833

Date	Services	Atty	Hours	Value
25-Jan-2012	[REDACTED] Confer with case manager re: filing brief and joint appendix (multiple times), review court rules re: electronically filing brief;	TAF	0.50	92.50
26-Jan-2012	Prepare and file Brief and Joint Appendix;	DLS	4.00	1400.00
27-Jan-2012	Confer and correspond with Paul Clement re: [REDACTED] Confer with Case Manager re: designation of counsel; Examine issues re [REDACTED]	DLS	1.20	420.00
31-Jan-2012	Legal Research re [REDACTED]	TAF	1.00	185.00
	Total Services	Hours	29.30	\$9,941.50

**Total Services and Disbursements****\$9,941.50***Payment(s) Received Since Last Bill:* \$0.00

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$9,941.50	\$0.00	\$0.00	\$0.00	\$9,941.50

## Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	27.40	\$350.00	\$9,590.00
TAF	Fego, Tracy A.	Paralegal	1.90	\$185.00	\$351.50

**Greenbaum, Rowe, Smith & Davis LLP**

COUNSELORS AT LAW

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ROSELAND OFFICE:

75 LIVINGSTON AVENUE, SUITE 301  
ROSELAND, NEW JERSEY 07068-3701

Christopher Conte, Legal Counsel  
National Rifle Association, Institute of Legislative Action  
11250 Waples Mill Road  
Fairfax, VA 22030

07-Mar-2012

Bill Number 3920113

As of 29-Feb-12  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
01-Feb-2012	Prepare binder of cases referenced in appellant brief;	TAF	1.00	185.00
03-Feb-2012	Examine documents produced, prepare method of organization;	TAF	0.50	92.50
06-Feb-2012	Examine issues re: [REDACTED]	DLS	0.50	175.00
07-Feb-2012	Examine Scheduling notification of State; Correspond with clients re: [REDACTED]	DLS	0.30	105.00
08-Feb-2012	Examine case law for appeal;	DLS	0.30	105.00
27-Feb-2012	Examine case law;	DLS	0.50	175.00
29-Feb-2012	Examine case law;	DLS	0.50	175.00
	Total Services		Hours 3.60	\$1,012.50

**Total Services and Disbursements****\$1,012.50***Payment(s) Received Since Last Bill:* \$0.00

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$10,954.00	\$0.00	\$0.00	\$0.00	<b>\$10,954.00</b>

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 29-Feb-12

23251/1 Osterweil v. Bartlett

Bill Number 3920113

Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	2.10	\$350.00	\$735.00
TAF	Fego, Tracy A.	Paralegal	1.50	\$185.00	\$277.50

**Greenbaum, Rowe, Smith & Davis LLP**

COUNSELORS AT LAW

METRO CORPORATE CAMPUS ONE  
P. O. BOX 5600  
WOODBIDGE, NEW JERSEY 07095-0988  
(732) 549-5600

Federal Tax ID: 22-1544785

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ROSELAND, NEW JERSEY 07068-3701

Christopher Conte, Legal Counsel  
National Rifle Association, Institute of Legislative Action  
11250 Waples Mill Road  
Fairfax, VA 22030

14-May-2012

Bill Number 3928541

As of 30-Apr-12  
00730/00730

23251 Osterweil, Alfred G.

23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
12-Apr-2012	Confer with Mr. Brady re: motion to certify question of law; Confer with Christopher Conte re: [REDACTED]; Correspond with Paul Clement re: [REDACTED]	DLS	1.50	525.00
13-Apr-2012	Examine issues re: [REDACTED]	DLS	1.00	350.00
13-Apr-2012	Research case law regarding [REDACTED] [REDACTED] [REDACTED]	MFD	1.40	294.00
13-Apr-2012	Research re: [REDACTED]	TAF	0.40	74.00
16-Apr-2012	Examine issues re: [REDACTED]; Confer with Christopher Conte;	DLS	0.70	245.00
16-Apr-2012	Review case law setting forth [REDACTED] [REDACTED]	MFD	0.20	42.00
17-Apr-2012	Prepare for and participate in conference call with Paul Clement, Zac Hudson and Christopher Conte re: [REDACTED]	DLS	1.00	350.00
18-Apr-2012	Examine motions of State to certify question of law and to stay briefing schedule; Examine appellate rules re: motions; Correspond with Christopher Conte and Paul Clement re: [REDACTED]	DLS	1.00	350.00

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 30-Apr-12

23251/1 Osterweil v. Bartlett

Bill Number 3928541

Date	Services	Atty	Hours	Value
20-Apr-2012	Examine issues re [REDACTED] Confer with Christopher Conte; Correspond with Al Osterweil re [REDACTED]	DLS	0.80	280.00
23-Apr-2012	Examine issues re [REDACTED] [REDACTED] Conference call with Christopher Conte, Paul Clement and Zac Hudson re: [REDACTED] Prepare opposition to motion to stay;	DLS	2.50	875.00
23-Apr-2012	Telephone conference with Paul Clement, Zachary Hudson and Christopher Conti regarding [REDACTED]	MFD	0.50	105.00
24-Apr-2012	Prepare and file opposition to motion for stay; Correspond with clients re [REDACTED] Examine issues re [REDACTED]	DLS	3.00	1050.00
24-Apr-2012	Correspondence with civil clerk of the U.S. Court of Appeals for the Second Circuit regarding filing requirements for opposition to Defendants' motion to stay;	MFD	0.20	42.00
30-Apr-2012	Draft opposition to motion for certification; Prepare revisions and comments; Examine revised draft and prepare comments; Prepare revisions and final version of opposition; Filed opposition; Correspond with Al Osterweil and all co-counsel re [REDACTED] Examine rules re: filing opposition to motion;	DLS	2.00	700.00
Total Services		Hours	16.20	\$5,282.00

**Total Services and Disbursements****\$5,282.00***Payment(s) Received Since Last Bill:* \$0.000 - 30 Days31 - 60 Days61 - 90 DaysOver 90 DaysTotal Amt Due

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 30-Apr-12

23251/1 Osterweil v. Bartlett

Bill Number 3928541

\$5,282.00	\$0.00	\$1,012.50	\$9,941.50	\$16,236.00
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## Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	13.50	\$350.00	\$4,725.00
MFD	DISLER, MARJAN F.	Associate	2.30	\$210.00	\$483.00
TAF	Fego, Tracy A.	Paralegal	0.40	\$185.00	\$74.00

**Greenbaum, Rowe, Smith & Davis LLP**

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Federal Tax ID: 22-1544785

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ROSELAND OFFICE:

75 LIVINGSTON AVENUE, SUITE 301  
ROSELAND, NEW JERSEY 07068-3701

Christopher Conte, Legal Counsel  
National Rifle Association, Institute of Legislative Action  
11250 Waples Mill Road  
Fairfax, VA 22030

15-Jun-2012

Bill Number 3932784

As of 31-May-12  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
01-May-2012	Examine correspondence from Al Osterweil re: [REDACTED]	DLS	0.30	105.00
18-May-2012	Examine correspondence from Chris Conte; Examine [REDACTED]	DLS	0.50	175.00
	Total Services	Hours	0.80	\$280.00

Date	Disbursements	Value
13-Apr-2012	Lexis	70.50
23-Apr-2012	Lexis	3.62
	Total Disbursements	\$74.12

## Disbursement Summary

Total for Lexis	74.12
Summary Disbursement Total	\$74.12
<b>Total Services and Disbursements</b>	<b>\$354.12</b>

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 31-May-12

23251/1 Osterweil v. Bartlett

Bill Number 3932784

*Payment(s) Received Since Last Bill: (\$6,294.50)*

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$354.12	\$0.00	\$0.00	\$9,941.50	\$10,295.62

Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	0.80	\$350.00	\$280.00



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11250 Waples Mill Road  
Fairfax, VA 22030

16-Jul-2012

Bill Number 3936017

As of 30-Jun-12  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
01-Jun-2012	Examine ECF notice re: addition of counsel for State;	DLS	0.20	70.00
26-Jun-2012	Examine State's brief and prepare analysis for co-counsel and client; Examine recent case law;	DLS	2.50	875.00
27-Jun-2012	Examine State's brief and issues re: reply;	DLS	1.00	350.00
27-Jun-2012	Examine client emails and forward to co-counsel;	DLS	0.50	175.00
28-Jun-2012	Examine correspondence from Al Osterweil re: [REDACTED]	DLS	0.30	105.00
29-Jun-2012	Correspond with Paul Clement re [REDACTED]	DLS	0.20	70.00
29-Jun-2012	Prepare Oral Argument Statement;	DLS	0.30	105.00
	Total Services		Hours 5.00	\$1,750.00

**Total Services and Disbursements****\$1,750.00***Payment(s) Received Since Last Bill: (\$9,941.50)***0 - 30 Days****31 - 60 Days****61 - 90 Days****Over 90 Days****Total Amt Due**

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 30-Jun-12

23251/1 Osterweil v. Bartlett

Bill Number 3936017

\$1,750.00	\$354.12	\$0.00	\$0.00	<b>\$2,104.12</b>
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Fee Recap

TimekeeperHoursRateAmount

DLS	SCHMUTTER, DANIEL L.	Partner	5.00	\$350.00	\$1,750.00
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Fairfax, VA 22030

17-Aug-2012

Bill Number 3939621

As of 31-Jul-12  
00730/00730

23251 Osterweil, Alfred G.

23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
02-Jul-2012	Examine State's brief;	DLS	0.30	105.00
03-Jul-2012	Prepare Oral Argument Statement; Examine Oral Argument Statement of State; Examine State's brief;	DLS	1.50	525.00
05-Jul-2012	Examine State's brief; Prepare Oral Argument Statement;	DLS	0.80	280.00
06-Jul-2012	Filed Oral Argument Statement;	DLS	0.50	175.00
08-Jul-2012	Examine State's brief and case law; Examine draft reply brief and prepare comments;	DLS	5.00	1750.00
09-Jul-2012	Correspond with Paul Clement re [REDACTED] [REDACTED] Examine correspondence from Al Osterweil re [REDACTED] Correspond with Al Osterweil re [REDACTED]	DLS	1.00	350.00
10-Jul-2012	Examine reply brief; File reply brief; Correspond with Al Osterweil re [REDACTED]	DLS	1.50	525.00
	Total Services		Hours 10.60	\$3,710.00

**Total Services and Disbursements****\$3,710.00**

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 31-Jul-12

23251/1 Osterweil v. Bartlett

Bill Number 3939621

*Payment(s) Received Since Last Bill:* (\$354.12)

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$3,710.00	\$1,750.00	\$0.00	\$0.00	<b>\$5,460.00</b>

Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	10.60	\$350.00	\$3,710.00

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Fairfax, VA 22030

17-Sep-2012

Bill Number 3942824

As of 31-Aug-12  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
14-Aug-2012	Examine correspondence from Al Osterweil re: [REDACTED] and prepare response;	DLS	0.50	175.00
21-Aug-2012	Examine issues re: [REDACTED]; Correspond with clients and co-counsel re: [REDACTED]	DLS	0.50	175.00
31-Aug-2012	Correspondence with the United States Court of Appeals for the Second Circuit regarding judges who will be appearing on the B panel on October 26, 2012;	MFD	0.20	42.00
	Total Services		Hours 1.20	\$392.00

**Total Services and Disbursements****\$392.00***Payment(s) Received Since Last Bill:* \$0.00

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$392.00	\$3,710.00	\$1,750.00	\$0.00	\$5,852.00

Fee Recap

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 31-Aug-12

23251/1 Osterweil v. Bartlett

Bill Number 3942824

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	1.00	\$350.00	\$350.00
MFD	DISLER, MARJAN F.	Associate	0.20	\$210.00	\$42.00

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22-Oct-2012

Bill Number 3946561

As of 30-Sep-12  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
07-Sep-2012	Examine issues re [REDACTED] and correspond with all counsel and client;	DLS	0.50	175.00
	Total Services	Hours	0.50	\$175.00

**Total Services and Disbursements** **\$175.00**

*Payment(s) Received Since Last Bill:* \$0.00

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$175.00	\$392.00	\$3,710.00	\$1,750.00	<b>\$6,027.00</b>

Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	0.50	\$350.00	\$175.00

**Greenbaum, Rowe, Smith & Davis LLP**

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Fairfax, VA 22030

15-Feb-2013

Bill Number 3959413

As of 31-Jan-13  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
29-Jan-2013	Examine opinion of Second Circuit; Confer with client re [REDACTED] Confer with AI Osterweil re: [REDACTED] Confer with Reuters re: decision;	DLS	1.10	385.00
	Total Services	Hours	1.10	\$385.00

**Total Services and Disbursements** **\$385.00**

*Payment(s) Received Since Last Bill;* \$0.00

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$429.00	\$0.00	\$6,195.00	\$0.00	\$6,624.00

Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	1.10	\$350.00	\$385.00



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11250 Waples Mill Road  
Fairfax, VA 22030

18-Mar-2013

Bill Number 3964153

As of 28-Feb-13  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
20-Feb-2013	Examine Order from court re: certification; Correspond with court re: briefing schedule; Correspond with client and co-counsel re: 	DLS	0.60	210.00
	Total Services		Hours 0.60	\$210.00

**Total Services and Disbursements** **\$210.00**

Payment(s) Received Since Last Bill: (\$44.00)

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$210.00	\$385.00	\$0.00	\$6,195.00	\$6,790.00

Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	0.60	\$350.00	\$210.00

**Greenbaum, Rowe, Smith & Davis LLP**

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Federal Tax ID: 22-1544785

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Christopher Conte, Legal Counsel  
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22-Apr-2013

Bill Number 3967626

As of 31-Mar-13  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
15-Mar-2013	Examine issues re [REDACTED] [REDACTED]	DLS	0.50	175.00
	Total Services		Hours 0.50	\$175.00

Date	Disbursements	Value
11-Feb-2013	Lexis	38.00
28-Feb-2013	PACER	3.00
	Total Disbursements	\$41.00

## Disbursement Summary

Total for Lexis	38.00
Total for PACER	3.00
Summary Disbursement Total	\$41.00
<b>Total Services and Disbursements</b>	<b>\$216.00</b>

**Gr enbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 31-Mar-13

23251/1 Osterweil v. Bartlett

Bill Number 3967626

*Payment(s) Received Since Last Bill: (\$6,790.00)*

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$216.00	\$0.00	\$0.00	\$0.00	<b>\$216.00</b>

Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	0.50	\$350.00	\$175.00

**Greenbaum, Rowe, Smith & Davis LLP**

COUNSELORS AT LAW

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11250 Waples Mill Road  
Fairfax, VA 22030

23-May-2013

Bill Number 3970797

As of 30-Apr-13  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
19-Apr-2013	Examine draft brief and prepare comments; Confer with Zac Hudson re [REDACTED] Correspond with Simon Heller re: appendix; Confer and correspond with Al Osterweil re: [REDACTED] Examine issues re: e-filing brief and appendix;	DLS	2.30	805.00
19-Apr-2013	Legal research re: electronic filing requirements in New York Court of Appeals;	IH	1.00	240.00
22-Apr-2013	Prepare brief and appendix for filing; Examine correspondence from New York State re: appendix; Examine final draft of brief; Correspond with Zac Hudson re [REDACTED] [REDACTED]	DLS	1.00	350.00
23-Apr-2013	Filed electronic copies of brief and appendix; Correspond with Al Osterweil re [REDACTED] [REDACTED]	DLS	0.70	245.00
	Total Services		Hours 5.00	\$1,640.00
	Total Services and Disbursements			\$1,640.00

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 30-Apr-13

23251/1 Osterweil v. Bartlett

Bill Number 3970797

*Payment(s) Received Since Last Bill:* \$0.00

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$1,640.00	\$216.00	\$0.00	\$0.00	<b>\$1,856.00</b>

## Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	4.00	\$350.00	\$1,400.00
IH	HSIEH, IRENE	Associate	1.00	\$240.00	\$240.00

**Greenbaum, Rowe, Smith & Davis LLP**

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Christopher Conte, Legal Counsel  
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11250 Waples Mill Road  
Fairfax, VA 22030

24-Jul-2013

Bill Number 3978463

As of 30-Jun-13  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
07-Jun-2013	Correspond with client and co-counsel re [REDACTED]	DLS	0.50	175.00
	[REDACTED] Examine State's brief;			
10-Jun-2013	Examine State's brief;	DLS	1.00	350.00
11-Jun-2013	Correspond with Paul Clement re [REDACTED]	DLS	0.20	70.00
24-Jun-2013	Examine draft of reply brief and prepare comments; Examine correspondence from Al Osterweil and prepare response;	DLS	1.00	350.00
26-Jun-2013	Examine issues re [REDACTED]	DLS	0.20	70.00
	<b>Total Services</b>		<b>Hours 2.90</b>	<b>\$1,015.00</b>

**Total Services and Disbursements****\$1,015.00***Payment(s) Received Since Last Bill: (\$1,260.00)*

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$1,015.00	\$0.00	\$1,640.00	\$0.00	<b>\$2,655.00</b>

Fee Recap

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 30-Jun-13

23251/1 Osterweil v. Bartlett

Bill Number 3978463

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	2.90	\$350.00	\$1,015.00

**Greenbaum, Rowe, Smith & Davis LLP**

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11250 Waples Mill Road  
Fairfax, VA 22030

23-Sep-2013

Bill Number 3984196

As of 31-Aug-13

00730/00730

23251 Osterweil, Alfred G.

23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
14-Aug-2013	Prepare for oral argument;	DLS	0.70	245.00
15-Aug-2013	Prepare for oral argument;	DLS	0.30	105.00
26-Aug-2013	Examine correspondence from Al Osterweil re: [REDACTED]	DLS	0.30	105.00
29-Aug-2013	Prepare for oral argument;	DLS	0.50	175.00
	Total Services	Hours	1.80	\$630.00

**Total Services and Disbursements****\$630.00***Payment(s) Received Since Last Bill:* \$0.00

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$630.00	\$0.00	\$1,015.00	\$1,640.00	\$3,285.00

Fee Recap

TimekeeperHoursRateAmount



**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 31-Aug-13

23251/1 Osterweil v. Bartlett

Bill Number 3984196

DLS	SCHMUTTER, DANIEL L.	Partner	1.80	\$350.00	\$630.00
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**Greenbaum, Rowe, Smith & Davis LLP**

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(732) 549-5600

Federal Tax ID: 22-1544785

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99 Wood Avenue South, Iselin, NJ 08830-2712

ROSELAND OFFICE:

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ROSELAND, NEW JERSEY 07068-3701

Christopher Conte, Legal Counsel  
National Rifle Association, Institute of Legislative Action  
11250 Waples Mill Road  
Fairfax, VA 22030

18-Oct-2013

Bill Number 3988866

As of 30-Sep-13  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
05-Sep-2013	Assembling caselaw preparation of oral argument for Daniel L. Schmutter;	KL	3.50	647.50
06-Sep-2013	Prepare for oral argument;	DLS	0.50	175.00
06-Sep-2013	Continue preparation of case notebooks in preparation of oral argument for Daniel L. Schmutter;	KL	4.50	832.50
07-Sep-2013	Prepare for oral argument;	DLS	3.50	1225.00
07-Sep-2013	Preparation for Moot Court;	RMB	2.00	1000.00
08-Sep-2013	Prepare for oral argument;	DLS	5.50	1925.00
09-Sep-2013	Prepare for oral argument;	DLS	1.00	350.00
09-Sep-2013	Preparation for Moot Court;	RMB	2.00	1000.00
10-Sep-2013	Prepare for and participate in moot court;	DLS	3.50	1225.00
10-Sep-2013	Attend Moot Court;	RMB	1.50	750.00
11-Sep-2013	Prepare for oral argument before the New York Court of Appeals;	DLS	2.30	805.00
12-Sep-2013	Argued appeal before the New York Court of Appeals;	DLS	8.00	2800.00
13-Sep-2013	Confer with Chris Conte re: [REDACTED]	DLS	0.30	105.00
	Total Services		Hours 38.10	\$12,840.00

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 30-Sep-13

23251/1 Osterweil v. Bartlett

Bill Number 3988866

**Total Services and Disbursements****\$12,840.00***Payment(s) Received Since Last Bill: \$0.00*

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$13,470.00	\$0.00	\$1,015.00	\$1,640.00	<b>\$16,125.00</b>

## Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	24.60	\$350.00	\$8,610.00
KL	Luzzi, Kaitlin	Paralegal	8.00	\$185.00	\$1,480.00
RMB	BROWN, RAYMOND M.	Partner	5.50	\$500.00	\$2,750.00

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**Greenbaum, Rowe, Smith & Davis LLP**

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11250 Waples Mill Road  
Fairfax, VA 22030

20-Nov-2013

Bill Number 3991992

As of 31-Oct-13  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
15-Oct-2013	Examine decision from Court of Appeals, correspond with client re [REDACTED] [REDACTED]	DLS	1.00	350.00
	Total Services		Hours 1.00	\$350.00

Date	Disbursements	Value
11-Sep-2013	Lexis	19.00
	Total Disbursements	\$19.00
	Disbursement Summary	
	Total for Lexis	19.00
	Summary Disbursement Total	\$19.00
	<b>Total Services and Disbursements</b>	<b>\$369.00</b>

Payment(s) Received Since Last Bill: (\$13,470.00)

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 31-Oct-13

23251/1 Osterweil v. Bartlett

Bill Number 3991992

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$369.00	\$0.00	\$0.00	\$2,655.00	<b>\$3,024.00</b>

Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	1.00	\$350.00	\$350.00

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Christopher Conte, Esq., Litigation Counsel  
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Fairfax, VA 22030

23-Jan-2014

Bill Number 3999441

As of 31-Dec-13  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
23-Dec-2013	Examine decision of Second Circuit; Examine issues re [REDACTED]	DLS	1.50	525.00
	[REDACTED] Correspond with client and co-counsel re [REDACTED]			
	Total Services	Hours	1.50	\$525.00

Date	Disbursements	Value
15-Oct-2013	Federal Express	10.95
	Total Disbursements	\$10.95

Disbursement Summary	
Total for Federal Express	10.95
Summary Disbursement Total	\$10.95
<b>Total Services and Disbursements</b>	<b>\$535.95</b>

**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 31-Dec-13

23251/1 Osterweil v. Bartlett

Bill Number 3999441

*Payment(s) Received Since Last Bill:* (\$3,024.00)

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$535.95	\$0.00	\$0.00	\$0.00	\$535.95

## Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	1.50	\$350.00	\$525.00

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Christopher Conte, Esq., Litigation Counsel  
National Rifle Association, Institute for Legislative Action  
11250 Waples Mill Road  
Fairfax, VA 22030

10-Mar-2014

Bill Number 4004344

As of 10-Mar-14  
00730/00730

23251 Osterweil, Alfred G.  
23251/1 Osterweil v. Bartlett

Date	Services	Atty	Hours	Value
03-Feb-2014	Examine case law re: [REDACTED] Confer and correspond with clients and co-counsel re: [REDACTED]	DLS	4.50	1575.00
04-Feb-2014	Confer with Zac Hudson re: [REDACTED] [REDACTED] prepare for call with Court; Conference call with Court re: status of case; Correspond with clients and co-counsel re: [REDACTED] [REDACTED] Examine issues re: [REDACTED]	DLS	2.50	875.00
07-Feb-2014	Examine order and judgment from District Court; Correspond with co-counsel;	DLS	0.60	210.00
14-Feb-2014	Examine issues re: fee application;	DLS	0.30	105.00
17-Feb-2014	Prepare for and conference call with Jonathan Goldstein and Rob McNelly re: fee application;	DLS	0.70	245.00
19-Feb-2014	Correspond with Jonathan Goldstein re: fee application; Correspond with Al Osterweil re: fee application;	DLS	0.30	105.00
20-Feb-2014	Prepare fee application;	DLS	0.20	70.00
21-Feb-2014	Examine issues re: fee application;	DLS	0.30	105.00
26-Feb-2014	Prepare fee application;	DLS	0.50	175.00
27-Feb-2014	Prepare fee application;	DLS	0.50	175.00
06-Mar-2014	Prepare Declaration of Daniel L. Schmutter; Examine issues re: fee application; Examine issues re: Brief;	DLS	2.00	700.00
07-Mar-2014	Prepare Declaration of Daniel L. Schmutter;	DLS	3.50	1225.00



**Greenbaum, Rowe, Smith & Davis LLP**

23251 Osterweil, Alfred G.

As of 10-Mar-14

23251/1 Osterweil v. Bartlett

Bill Number 4004344

Date	Services	Atty	Hours	Value
10-Mar-2014	Prepare Declaration of Al Osterweil; Examine issues re: fee application; Prepare notice and motion; Prepare revisions to Brief; Confer with Court re: procedures; Examine issues re: fee motion procedures; Confer with Rob McNelly and Zac Hudson re: fee motion; Prepare and file fee application;	DLS	2.50	875.00
	Total Services	Hours	18.40	\$6,440.00

**Total Services and Disbursements****\$6,440.00***Payment(s) Received Since Last Bill:* \$0.00

<u>0 - 30 Days</u>	<u>31 - 60 Days</u>	<u>61 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total Amt Due</u>
\$6,895.00	\$0.00	\$0.00	\$0.00	<b>\$6,895.00</b>

## Fee Recap

	<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DLS	SCHMUTTER, DANIEL L.	Partner	18.40	\$350.00	\$6,440.00